

MESSAGE NO: 3312306 MESSAGE DATE: 11/08/2013

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1319301

MESSAGE #

(s):

CASE #(s): A-489-805

EFFECTIVE DATE: 09/17/2013 COURT CASE #: 11-00431

PERIOD OF REVIEW: 07/01/2009 TO 06/30/2010

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain pasta from Turkey for the period 07/01/2009-06/30/2010 (A-489-805)

1. On 07/19/2013, the U.S. Court of International issued a final decision in the case of Marsan Gida Sanayi ve Ticaret A.S. v. United States, Court No. 11-00431. As a result of this decision, the injunction to which message 1319301 (dated 11/15/2011) refers enjoining liquidation of entries which are subject to the antidumping duty order on certain pasta from Turkey for the period 07/01/2009 through 06/30/2010 manufactured or exported by Birlik Pazarlama Sanayi ve Ticaret A.S., Bellini Gida Sanayi A.S., or Marsan Gida Sanayi ve Ticaret A.S. dissolved on 09/17/2013.

2. In the final results of administrative review (76 FR 68399, 11/04/2011), Commerce determined that Marsan Gida Sanayi ve Ticaret A.S. had no shipments of certain pasta from Turkey during the period 07/01/2009 through 06/30/2010 for which it was the first party with knowledge of U.S. destination. Therefore, pursuant to the final court decision and as a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of certain pasta from Turkey, produced by Marsan Gida Sanayi ve Ticaret A.S., entered, or withdrawn from warehouse, for consumption during the period 07/01/2009 through 06/30/2010, and entered under case number A-489-805-005, and not exported by Marsan Gida Sanayi ve Ticaret A.S., assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for certain pasta from Turkey is 51.49 percent.

3. Additionally, pursuant to the final court decision and as a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of certain pasta from Turkey, produced by Birlik Pazarlama Sanayi ve Ticaret A.S. or Bellini Gida Sanayi A.S., entered, or withdrawn from warehouse, for consumption during the period 07/01/2009 through 06/30/2010, and entered under case number A-489-805-005, and exported by Marsan Gida Sanayi ve Ticaret A.S., assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for certain pasta from Turkey is 51.49 percent.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for

all other shipments of certain pasta from Turkey you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duty and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8:SM).

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party